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FISCAL IMPACT STATEMENT

LS 6956

BILL NUMBER: HB 1850

NOTE PREPARED: Mar 04, 2003

BILL AMENDED: Mar 03, 2003

SUBJECT: Commitment of Minor for Drug and Alcohol Treatment.

FIRST AUTHOR: Rep. Becker

FIRST SPONSOR: Sen. Server

BILL STATUS: As Passed House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: (Amended) This bill allows a juvenile court to order involuntary drug and alcohol treatment for a child. It allows a juvenile court to order a parent, guardian or custodian of a child to participate in any aspect of the child's treatment.

Effective Date: July 1, 2003.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) Any potential costs associated with this bill will depend on two factors:

- A juvenile's court's decision when indigent parents, guardians, or custodians petition for the courts to commit a child. As revised, parents, guardians, and custodians are obligated to pay any costs associated with filing fees and treatment. Yet the bill does not specifically prohibit courts from permitting parents, guardians, or custodians who are indigent from seeking an involuntary commitment.
- The type and length of treatment that the child would be ordered by the court to obtain and whether any unforeseen costs for parents occur which they would be unable to pay. Outpatient treatment would be the less expensive alternative and would likely be covered by a parent's health insurance, if the parent has health insurance. Inpatient treatment would be the most expensive treatment option.

Most insurance policies have a limit on the number of inpatient days that can be covered. If the court orders the child to a length of treatment that exceeds the coverage of the parent's insurance and any unforeseen costs are not able to be paid by the parents, then the costs of the commitment may need to be paid by the county.

Depending on the number of verified petitions, a county would incur additional expenses for court hearings, potential health care professional costs, actual drug treatment costs, and legal costs.

Currently, there is no involuntary substance abuse treatment for children in Indiana. According to information from all licensed substance abuse counselors, 1,468 children were provided inpatient or outpatient substance abuse services in FY 2002. There are no data available to indicate how many more children may be treated if involuntary treatment is permitted.

As an example, if an indigent child was committed to involuntary treatment, that involuntary treatment (both inpatient and outpatient) costs on average \$200 a day, that on average a child requires 90 days of treatment, and that child requires three assessments costing \$200 each, costs to the county for assessment and treatment of that child would be \$18,600. If one assumed that 300 indigent children a year could be committed to involuntary treatment, the costs to the counties would be \$5,580,000 per year. This example does not indicate which counties would be affected or the share of expenditures incurred by an individual county.

Under this bill, a court may order a juvenile to attend drug or alcohol treatment on an involuntary basis under the following procedure:

- The parents, guardian, or custodian of a child may file a verified petition that includes an affidavit from a health care professional that a child is a drug or alcohol abuser.
- The juvenile court holds a probable cause hearing to determine if a child is a drug or alcohol abuser.
- If the court determines in a probable cause hearing that the child may be a substance abuser, then the court is required to order a further assessment by another health care professional that involuntary treatment is necessary.
- If the health care professional determines that involuntary treatment is necessary, the professional must also recommend a level of care and length of treatment.
- After the assessment is completed the court shall conduct a hearing to determine whether involuntary drug and alcohol treatment should be ordered.

The court may order involuntary drug and alcohol treatment including inpatient or outpatient services for not more than 45 consecutive days. Additional reviews would take place prior to the expiration of the treatment period, and additional treatment periods may be ordered. Under the bill, a parent, guardian, or custodian may be required to contribute toward court costs, court fees, and assessment and treatment costs if the court determines the parent, guardian, or custodian has sufficient financial means. Otherwise, the county would incur expenditures for these costs under IC 31-40.

The court would have the option to appoint a guardian ad litem (GAL) to represent a child in a proceeding for involuntary drug and alcohol treatment. IC 31-9-2-50 defines guardian ad litem as attorneys, volunteers, or employees of a county program designated under IC 33-2.1-7-3.1 who are appointed by a court to (1)

represent and protect the best interests of a child; and (2) provide the child with services requested by the court. These services include researching; examining; advocating; facilitating; and monitoring the child's situation. A guardian ad litem who is not an attorney must complete the same court-approved training program that is required for a court-appointed special advocate (CASA). In 2001, 67 of Indiana's 92 counties had a volunteer-based GAL/CASA Program. If a child cannot be represented by a guardian ad litem volunteer in the other 25 counties, then the court would likely be required to appoint an attorney to represent the child. Costs for court-appointed attorneys vary by county with some counties paying on an hourly basis for representation and others paying a flat rate for representation in both juvenile and adult matters.

Explanation of Local Revenues: (Revised) A parent, guardian, or custodian is required to pay court fees and costs of assessment and treatment. A Family and Children's Fund exists in each county and is funded by a separate tax levy on all taxable property in the county. The fund is available to maintain the child services in the county and may be available to provide for the costs incurred as a result of the bill.

State Agencies Affected:

Local Agencies Affected: Courts with a juvenile jurisdiction.

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